

STATE CHARTER SCHOOLS COMMISSION

MEETING MINUTES

November 17, 2021, 10:00 a.m.

SCSC Board Room

512 Twin Towers West

[Virtual Access Link](#)

Telephone [+1-929-374-4976](tel:+1-929-374-4976); Access Code: 632-774-820#



Attendees: Commissioners: Buzz Brockway-Chairman; Tony Lowden-Vice Chairman; Fitz Johnson; Jose Perez; Hunter Hill; and Mike Dudgeon. SCSC Staff: Lauren Holcomb – Executive Director; Morgan Felts – Chief Operations Officer; Cerrone Lockett – General Counsel; Katie Manthey – Director of Research and Evaluation; Kristen Easterbrook- Charter Development Manager; Erica Acha-Morfaw – Administrative and Communications Coordinator; Business Manager- Candice Ball; and DeShantis Huff – SCSC Intern.

I. **Call to Order – 10:14 a.m.** (Chairman Brockway)

- The following commissioners were present: Chairman Buzz Brockway, Commissioners Jose Perez, Mike Dudgeon, Hunter Hill, and Fitz Johnson.
 - Vice-Chairman Tony Lowden joined the meeting at 10:22 a.m.
- The Executive Director welcomed the State Charter Schools Commission of Georgia's (SCSC) newest hire, Candice Ball. Ms. Ball, who will serve as Business Manager, joins the SCSC team from the Office of Inspector General and brings substantial experience in government procurement.
- The Executive Director thanked the fall interns, DeShantis Huff and Marquis Wallace, for their service to the SCSC. Chairman Brockway wished the interns well in their future endeavors.

II. **Approval of SCSC Meeting Minutes** (Chairman Brockway)

- Chairman Brockway called for a motion to approve the October 2021 meeting minutes.
 - Commissioner Perez motioned to approve the October 2021 meeting minutes. Commissioner Dudgeon seconded the motion. The motion passed by unanimous vote.
 - Vice-Chairman Lowden did not participate in the vote.

III. **2022 Board Meeting Calendar** (SCSC Executive Director)

- The 2022 meeting calendar was presented. The calendar continues the precedent of holding SCSC board meetings the last Wednesday of each month in the SCSC Board Room unless otherwise noted.
 - Chairman Brockway called for a motion to approve the 2022 SCSC meeting calendar.
 - Commissioner Johnson motioned for the approval of the 2022 meeting calendar. Commissioner Perez seconded the motion. The motion passed by unanimous vote.
 - Vice-Chairman Lowden did not participate in this vote.

IV. **Organizational Development** (SCSC Charter Development Manager)

- The following past trainings were discussed.
 - Replication/Expansion Policy Webinar – October 26 (virtual)
 - Petitioner Webinar Series Pt. 1: Overview of Application and FluidReview – October 27 (virtual)
 - Petitioner Webinar Series Pt. 2: Overview of Funding and Budget Template – November 3 (virtual)
 - Governance Training In-Person Session #1 – November 10 at Callaway Gardens
- The following upcoming trainings were announced.

- Governance Training Virtual Session #1 – December 7 (virtual). This session will focus on financial obligations and best practices.
- Commissioner Dudgeon inquired about SCSC governance training attendance.
 - The Charter Development Manager explained that historically, the SCSC offered two training opportunities annually. This year, the SCSC is offering three training sessions. Thus, overall attendance numbers will be divided among three rather than two sessions this year. The attendance numbers from the first session suggest that annual attendance will be consistent with prior years.
- The Executive Director asked the Charter Development Manager to clarify how governing boards can meet training requirements through the SCSC's training opportunities.
 - The Charter Development Manager explained that governing board members must attend one live AND one virtual training session to meet all training requirements. Governing board members can mix and match training dates. However, if a live or virtual session is missed, board members must contact alternate training providers to meet any outstanding training content requirements.
- The Chairman issued a reminder that links to register for SCSC governance training sessions are on the SCSC website under the Training Opportunities tab.

V. **Petitions** (SCSC General Counsel)

- The start-up petition portal opened on November 1, 2021. Petitions are due April 16, 2022. The SCSC team is fielding questions and providing technical assistance to petitioners. As a reminder, the Charter Development Manager will facilitate an Early Feedback program, which will occur about one month before petitions are due. Information about the Early Feedback program will appear on the SCSC website and be disseminated through the online application portal.

VI. **Pre-Opening Schools** (Charter Development Manager)

- As a reminder, the SCSC has eight new schools and one replication school scheduled to open next fall. Schools submitted their first round of pre-opening checklist items in early November. Schools are required to submit a copy of their draft lease agreement by December 17, 2021. This is a critical deadline on the pre-opening checklist and an early indicator of whether a school is prepared to open as scheduled. This milestone is significant this year, given industry-wide construction delays. To date, the SCSC has received two lease agreements. Staff will continue to support pre-opening schools as they work to finalize facility plans. We anticipate providing more details at the next meeting.
- Commissioner Johnson asked about the approval timeline for lease agreements.
 - SCSC General Counsel explained that the SCSC does not approve leases. Instead, the legal team reviews the lease terms to ensure compliance with the charter contract and applicable law. In addition, the legal team notes terms that may, while not legally deficient, result in an adverse impact on school operations. Lease review typically takes about one week but can be completed in as few as two days, depending on how many lease agreements are received at a time.
- Commissioner Johnson asked whether the staff would flag concerns such as a facility that is too large to accommodate the school's anticipated student population.
 - SCSC General Counsel explained that when leases are reviewed, there is insufficient information to make determinations regarding enrollment and suitability. Enrollment information is typically not available at this early stage. Generally, the legal team does not provide legal advice or weigh in on the propriety of lease terms. However, boards are cautioned to engage in ongoing financial due diligence throughout the pre-opening process.
- The Executive Director reminded schools that the SCSC does not view deferrals unfavorably. Instead, the goal is to ensure that schools start strong.
 - The Charter Development Manager added that the SCSC considers deferral decisions on a case-by-case basis. For example, a delay caused by extended lease negotiations may be more

palatable than one caused by a lack of viable facility options. Schools are encouraged to remain in communication with SCSC staff regarding extension requests so that we can provide guidance and assistance.

VII. **Authorizer Standards** (SCSC Director of Research and Evaluation)

- The SCSC and GaDOE anticipate bringing the final version of the renewal standards to the State Board of Education in December. It is crucial to have a uniform set of criteria to evaluate all charter authorizers to establish clear expectations and ensure transparency.
- The Chairman thanked SCSC staff for their work on this project and the Georgia Department of Education for helping us get to this point.

VIII. **Research** (Director of Research and Evaluation)

- The SCSC contracted with Georgia State University to research the impact of charter schools on local communities. The research was conducted in two phases. The first phase addressed the effect of charter schools on property values. Generally, the study concluded that living in the attendance zone of a charter school has a positive impact on home values and prices. The phase one findings are available on the SCSC's website.

Phase two of the study, which should conclude in December, considers the impact of charter schools on labor outcomes and benefits, including the likelihood that charter school students will graduate from high school, enroll in college, remain in college for two years, and obtain a degree or certificate. The current data shows a positive correlation; however, it is unclear whether the results are statistically significant due to the small sample size. The SCSC will present phase two findings in January.

- Given the limited availability of assessment data for the 2020 school year due to the pandemic, the SCSC is working on a contract with Georgia Southern University to conduct a Value-Added growth analysis of academic data using a skip-year, rather than year-to-year analysis. It appears that the skip-year growth analysis methodology correlates to the traditional year-to-year analysis. However, the impact of limited data on the results has yet to be determined.

IX. **Accountability**

- GaDOE Achievement Results (SCSC Executive Director/Director of Research and Evaluation)
 - Discussion on this item will be reserved until the next meeting. Although GaDOE has released information to individual schools, information is not publicly available to SCSC staff. We will revisit this item when the information is available.
- 2021-22 Onsite School Monitoring (SCSC General Counsel)
 - SCSC onsite monitoring will conclude tomorrow, November 18, 2021. Thereafter, analysis will begin. Monitoring results will be disseminated on or before January 31, 2022. Corrective Action Plans for applicable schools are due April 25, 2022. We have enjoyed learning about the schools and seeing their work in real-time.
 - The Executive Director thanked the monitoring team for their work this cycle.
- 2021-22 Audits (Chief Operations Officer)
 - Annual audits were due November 1, 2021. Four schools failed to submit their audits timely. Of the four schools that missed the deadline, one submitted its annual audit. The remaining three provided SCSC staff with anticipated audit submission dates.

X. **Action Items**

- Remote Learning Waiver (SCSC General Counsel)
 - During the October 2021 SCSC meeting, SCSC staff discussed the results of its survey regarding state charter school use of the remote learning waiver approved by the SCSC earlier this year. In summary, the results showed that the waiver was being used sparingly and to respond to families that desired a virtual learning option to accommodate COVID-19 and other medical concerns. Further, feedback during monitoring demonstrated that families at some state charter schools expressed a desire for a continued virtual learning option, given concerns about the spread of COVID-19 during the holiday season. Therefore, the SCSC staff recommends the extension of the 2021-22 remote learning waiver through June 30, 2022, which allows schools to offer virtual/remote instruction to up to 25% of their student populations. The SCSC further recommends allowing schools to opt into the waiver if they did not initially do so.
- Chairman Brockway called for a motion to approve the staff recommendation.
 - Commissioner Dudgeon moved for the approval of the staff recommendation as presented. Commissioner Johnson seconded the motion. There was no discussion.
 - Chairman Brockway sought public comment on the item. There was none.
 - The motion passed by unanimous vote of all commissioners present.

XI. **Additional Items from Commissioners**

- There were no additional items from commissioners.

XII. **Public Comment**

- Mr. Robert Buchwitz, representing the Georgia School for Innovation and the Classics (GSIC), spoke regarding the school's pending replication/expansion request. Mr. Buchwitz stated that upon its first review of the school's request, the SCSC expressed concern that the school had not identified a facility. He explained further that at the time of the staff's consideration, the school could not publicly discuss a facility deal that was in the works. However, now the school is at liberty to discuss its facility option publicly. Mr. Buchwitz described a \$300M economic development project underway in August Georgia. The project is contingent upon the inclusion of a public school (the school's proposed replication). Therefore, the school is requesting that the SCSC staff expedite its review of the supplemental materials provided by the school so that it can commit to this project and begin breaking ground.

Chairman Brockway explained that given staff workload and the impending holiday season, the SCSC would work with the school to provide the information needed to move forward with its facility plans.

Commissioner Hill clarified his understanding of Ms. Buchwitz's request, then asked whether the school was looking for a "yes" from the SCSC to permit the economic development project to move forward as scheduled. Mr. Buchwitz confirmed Commissioner Hill's understanding of his request and responded affirmatively to his question. Commissioner Hill asked what would happen to the students if the SCSC expedited its review of the school's request and the project still was not completed on time. Mr. Buchwitz responded that if construction were not completed on time, the school would have to "kill the project." Commissioner also questioned the school's track record.

The Executive Director explained that the school submitted additional information to support its petition on Thursday, November 11, 2021. Staff was reviewing the submission to determine whether it addressed identified concerns.

Chairman Brockway reiterated that the SCSC would do what it could to assist the school in moving forward with the project. Further, Chairman Brockway asked whether the project would fall apart if the school did not receive approval from the SCSC in December. Mr. Buchwitz responded, "Yes." In addition, Mr.

Buchwitz noted that the GaDOE approval process could take up to two months. After that, the school would have to proceed through the Richmond County approval process. The school would need to be under construction by March 2022 to open in fall 2022.

Mr. Buchwitz also responded to Mr. Hill's question regarding the school's track record. He stated that the school had done a good job academically and financially. The SCSC General Counsel added that based on the replication criteria approved by the SCSC, the school met the eligibility criteria. Specifically, the school met the SCSC's standards for academic performance consistently over the last three years. In addition, it met the SCSC's financial standards in two of the previous three years. Operationally, the school failed to meet operational standards one year, approached operational standards another year, and met operations standards in the most recent year.

Commissioner Hill confirmed his understanding that the SCSC does not ordinarily meet in December. Chairman Brockway explained that staff would review the school's second submission and thereafter discuss whether to schedule an interview/hearing to proceed with consideration. If a review of the submission confirmed that the SCSC's concerns were addressed, the SCSC would work to provide the school with what it needs to keep the construction project on track.

Chairman Brockway asked whether there were any additional questions. There were none.

XIII. **Adjourn**

- The meeting adjourned at 11:12 a.m.